



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/675,358

09/30/2003

Jeyhan Karaoguz

15039US02

5972

23446

7590

04/10/2008

MCANDREWS HELD & MALLOY, LTD

500 WEST MADISON STREET

SUITE 3400

CHICAGO, IL 60661

EXAMINER

MENDOZA JR, JORGE

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

04/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/675,358

**Applicant(s)**

KARAOGUZ ET AL.

**Examiner**

JORGE MENDOZA JR

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/10/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims **1 - 38** are presented for Examination.
2. Claims **2 - 3, 5 - 8, 10, 12 - 13, 15, & 17 - 23** have been amended.
3. Claims **24 - 38** have been added.

### *Drawings*

4. The drawings were received on 01/10/2008. These drawings are accepted by the Examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1 - 9, 11 - 15, & 24 - 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775)** in view of **Brown (US Patent No. 5,857,190)**.

With respect to Claim **1**, the claimed "accepting from a first user information identifying at least a second user" is met by Finseth et al. that teach the ability of a 1<sup>st</sup> user to designate a 2<sup>nd</sup> user to which viewer preference profiles may be sent to (*Fig. 7 & 9; Abstract; col.1, lines 44-46; col.2, lines 6-7; col.12, lines 24-28; col.15, lines 6-11*). The

claimed "receiving from the first user at least one user-selected characteristic associated with media" is met by Finseth et al. that teach the selection of specific media characteristics associated with media, such as that found on a conventional program guide 88A, to be included in viewing preference information to be shared with a 2nd user (*col.9, lines 28-32; col.10, lines 25-35; col.12, lines 30-41; col. 15, lines 52-65*).

The claimed "processing a media request from the first user via a communication network, the requested media having a pre-defined set of characteristics" is met in part by Finseth et al. that teach the selections by a 1<sup>st</sup> user, via a receiver 64, of media programs - whereby each media program selected has characterizing information from the associated program guide (*col.10, lines 13-24*). The Finseth et al. reference is silent on the requesting of media. However, in the same field of endeavor, Brown teaches the requesting of any number of services, including: programs, video-on-demand, an electronic programming guide (EPG), shopping services, banking services, and the like via an interactive distribution network structure [28] (*col.1, lines 21-37; col.4, lines 46-51*).

It would have been obvious to one skilled in the art, at the time of the invention, to have combined the system for sharing viewer preference information of the Finseth et al. reference with that of the event logging system of the Brown reference in order to permit a user to share with other users, via viewer preference information, of the requesting of interactive services. A person of ordinary skill in the art would have been motivated to make such a modification to the Finseth et al. reference in order to provide a more complete and accurate record of viewer preference information.

The claimed "notifying at least one a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined set of characteristics for the requested media matches the at least one user-selected characteristic" is met by Finseth et al. that teach the delivery of viewing preference information from a 1<sup>st</sup> user to a 2<sup>nd</sup> user, via telephone lines or the Internet, only if the characterizing information from the associated program guide matches that of the media characteristics chosen by a 1<sup>st</sup> user to be sent to a 2<sup>nd</sup> user (*col.12, lines 30-45; col.15, lines 52-65*).

The claimed "refraining from notifying the at least a second user, via the communication network, of the consumption of the requested media by the first user, if the pre-defined set of characteristics for the requested media does not match the at least one user-selected characteristic" is met by Finseth et al. that teach the non-transmittal of the portion of the viewing preference information in which the characterizing information from the associated program guide does not match that of the media characteristics chosen by a 1<sup>st</sup> user (*col.12, lines 30-45; col.15, lines 52-65*).

With respect to Claim 2, the claimed "wherein each of the first user and the at least a second user are associated with one or more of an Internet protocol (IP) address, a media access control (MAC) address, and/or an electronic serial number (ESN)" is met in part by Finseth et al. that teach the use of the Internet in allowing the sharing of viewer preference information from a 1<sup>st</sup> user to a 2<sup>nd</sup> user or from a server to a plurality of users, whereby receivers are specifically addressed (*col.12, lines 42-45; col.14, lines 40-43*). Even though the Finseth et al. reference is silent with respect to the

association of a 1<sup>st</sup> and 2<sup>nd</sup> user with an IP address, the Examiner takes OFFICIAL NOTICE that it is notoriously well known in the art the use of an IP address to selectively address set top boxes in an Internet communication network for accurate routing and directing of data.

With respect to Claim 3, the claimed "wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure" is met by Finseth et al. that teach the transmittal of viewing preference information from a 1<sup>st</sup> user to a 2<sup>nd</sup> user via telephone lines or the Internet (*col.12, lines 42-45*).

With respect to Claim 4, the claimed "wherein the communication network is the Internet" is met by Finseth et al. that teach the use of the Internet in the transmittal of viewing preference information from a 1<sup>st</sup> user to a 2<sup>nd</sup> user via telephone lines or the Internet (*col.12, lines 42-45*).

With respect to Claim 5, the claimed "wherein the requested media comprises one or more of audio, a still image, video, real time video, and/or data" is met by Finseth et al. that teach the selection of media by a user, whereby the media consists of audio, video, and data signals (*col.7, lines 19-20 & 54-55; col.10, lines 16-18*).

With respect to Claim 6, the claimed "wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data" is met by Finseth et al. that teach the use of a television for the displaying of media content (*Fig.3; col.7, lines 19-27 & 64-67; col.8, lines 49-52*).

With respect to Claim 7, the claimed "wherein the information identifying at least a second user comprises at least one or more of a legal name, a given name, a screen name, a user identifier, a network identifier, an Internet protocol (IP) address, a media access control (MAC) address, and/or electronic serial number" is met by Finseth et al. that teach the use of a name, telephone number, or internet address in designating a 2nd user to receive viewing preference information from a 1st user (*Fig.7 & 9; col.12, lines 25-29; col.15, lines 6-11*).

With respect to Claim 8, the claimed "wherein the at least one user-selected characteristic comprises one or more of a title keyword, a subject keyword, a time period, a genre, an artist, a media channel type, a mode and/or a language" is met by Finseth et al. that teach the ability of a 1<sup>st</sup> user to specifically select contents from its history table to be sent to a 2nd user, where contents consist of information such as genre, title keyword, keywords, etc. (*col.10, lines 25-36; col. 51-65*).

With respect to Claim 9, the claimed "wherein the notifying comprises transmitting a message via the communication network" is met by Finseth et al. that teach the transmittal of viewing preference information from a 1st user to a 2nd user via telephone lines or the Internet (*col.12, lines 42-45*).

Claim 11 is met as previously discussed with respect to Claim 1. In addition, Finseth et al. teach the identification of individual users interacting with receiver, 64 (*col.11, lines 2-11*).

Claim 12 is met as previously discussed with respect to Claim 5.

Claim 13 is met as previously discussed with respect to Claim 8.

Claim 14 is met as previously discussed with respect to Claim 8.

Claim 15 is met as previously discussed with respect to Claim 3.

Claim 24 is met as previously discussed with respect to Claim 1.

Claim 25 is met as previously discussed with respect to Claim 2.

Claim 26 is met as previously discussed with respect to Claim 3.

Claim 27 is met as previously discussed with respect to Claim 4.

Claim 28 is met as previously discussed with respect to Claim 5.

Claim 29 is met as previously discussed with respect to Claim 6.

Claim 30 is met as previously discussed with respect to Claim 8.

Claim 31 is met as previously discussed with respect to Claim 9.

6. Claims 16 – 23 & 33 - 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lu (US Patent No. 7,065,778)** in view of **Finseth et al. (US Patent No. 6,813,775)**

With respect to Claim 16, the claimed "the system comprising: a first storage, at a first location, having an associated first network address; a first set top box circuitry at the first location, the first set top box circuitry communicatively coupled to the first storage to support consumption of media by a first user" is met by Lu that teaches the use of a personalized video recorder (PVR) 200 at a first location, having a usable mass



data storage device 218, a display device 212 for displaying video and/or graphics, and an associated IP address (*Fig.2 & 3; col.5, lines 26-35; col.6, lines 17-21; col.10, lines 10-15*).

The claimed "a second storage, at a second location, having a second network address; a second set top box circuitry at the second location, the second set top box circuitry communicatively coupled to the second storage to support consumption of media by a second user" is met by Lu that teaches the use of a 2<sup>nd</sup> personalized video recorder (PVR) 200A/B at a second location having similar components as that of PVR 200, as discussed above.

The claimed "at least one media characteristic associated with the second user" is met in part by Lu that teaches the association of a second PVR 200A/B with the television shows being broadcasted by a corresponding television content provider, television head-end 308, via an electronic programming guide (*Fig.3; col.6, lines 43-54*). Additionally, in the same field of endeavor, Finseth et al. teach the transmittal of a plurality of information, via a programming guide, including a program title, channel names, channel numbers, & icons (*col.9, lines 28-32; col.10, lines 25-35*). It would have been obvious to one skilled in the art to have combined the system taught by Lu with that of the system taught by Finseth et al. in order to provide a suitable manner in which to associate media programs being transmitted to a plurality of users by way of the programming guide information contained within it. A person of ordinary skill in the art would have been motivated to have made such a modification to the Lu et al. reference in order to allow for a more accurate method of determining the media programs being presented to a plurality of 2<sup>nd</sup> users.

The claimed "server software that receives a request that identifies at least the associated first network address and media having at least one pre-defined characteristic, and that notifies, via a communication network, the associated second network address if the at least one media characteristic matches the at least one pre-defined characteristic" is met by Lu that teaches the use of a PVR 200, having an associated IP address, in requesting a specific television show via an EPG server computer 304, and the subsequent notification to an appropriate PVR 200A/B to which the requested television program will be broadcasted to in the event the specific requested television show matches the television programs being broadcasted to PVR 200A/B (*Fig.3 & 5; col.col.6, lines 32-55; col.9, lines 8-20*).

With respect to Claim **17**, the claimed "wherein the media comprises one or more of audio, a still image, video, real time video, and/or data" is met by Lu that teaches the use of any type of media content, such as - audio, video, graphics, information, data, software, and/or the like (*col.7, lines 25-28; col.11, lines 4-7*).

With respect to Claim **18**, the claimed "wherein the associated first and second network addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN)" is met by Lu that teaches the use of network addresses in the form of Internet protocol (IP) address (*col.10, lines 10-15,31-38*).

With respect to Claim **19**, the claimed "wherein consumption comprises one or more of playing audio, displaying a still image, displaying video and/or displaying data"

Art Unit: 2623

is met by Lu that teaches the use of a display device 212 in displaying video and/or graphics (*Fig.2; col.6, lines 21-28*).

With respect to Claim **20**, the claimed “wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure” is met by Lu that teaches the use of a communication network in the form of Internet 302, wired and/or wireless infrastructure (*col.6, line 62 - col.7, line 8*).

With respect to Claim **21**, the claimed “wherein the server software is at a location separate from the first location and the second location” is met by Lu that teaches an EPG server 304 at a location separate from the first location, PVR 200 and the second location, PVR 200A/B (*Fig.3; col.6, lines 33-50*).

With respect to Claim **22**, the claimed “wherein the at least one media characteristic comprises one or more of a title keyword, a subject keyword, a genre, an artist, a time period, a media channel type, a mode, and/or a language” is met by Finseth et al. that teach that the information included in an EPG, for the media programs being transmitted to a plurality of 2nd users as in the system presented by Lu, can consist of program titles, channel names, channel numbers, channel icons, etc. (*col.9, lines 28-32*).

With respect to Claim **23**, the claimed “wherein the at least one predefined characteristic comprises one or more of a title keyword, a subject keyword, a genre, an artist, a time period, a media channel type, a mode, and/or a language” is met by

Finseth et al. that teach the information included in an EPG, such as that presented to a first user for the requesting of a specific television program as in the system presented by Lu, can consist of program titles, channel names, channel numbers, channel icons, etc. (*col.9, lines 28-32*).

Claim **33** is met as previously discussed with respect to Claim **16**.

Claim **34** is met as previously discussed with respect to Claim **17**.

Claim **35** is met as previously discussed with respect to Claim **19**.

Claim **36** is met as previously discussed with respect to Claim **20**.

Claim **37** is met as previously discussed with respect to Claim **21**.

Claim **38** is met as previously discussed with respect to Claim **22**.

**7.** Claims **10 & 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775)** in view of **Brown (US Patent No. 5,857,190)** as applied to Claims **1 & 24** above, and further in view of **Lu (US Patent No. 7,065,778)**.

With respect to Claims **10 & 32** the claimed "keeping a record of the notifying; and the record being used by the second user to provide one or both of services and/or incentives to the first user" is met in part by Finseth et al. that teach the storing by the 2<sup>nd</sup> user of the viewer preference information sent by a 1<sup>st</sup> user. Finseth et al. is silent with respect to the use of the record for services and/or incentives to the first user.

Art Unit: 2623

However, in same field of endeavor, teaches a system in which a first user, PVR 200, sends a request for a specific television show to a 2<sup>nd</sup> PVR (200A, 200B), whereby the 2<sup>nd</sup> PVR stores the instructions and records the requested television show once it is transmitted by a television content provider, head-end 308, and sends it either to a cache server or to the requesting PVR (Abstract; Figs.3&4; col.14, lines 51-65).

It would have been obvious to one skilled in the art to have combined the exchange of viewing preference information taught as taught by the Finseth et al. reference with that of system of receiving television programming being broadcasted in remote locations throughout the world as taught by the Lu reference in order to permit a more complete dissemination of viewing preference information. A person of ordinary skill in the art would have been motivated to have made such a modification to the Finseth et al. reference in order to allow for a wider audience enjoying the exchange of viewing preference information.

### ***Response to Arguments***

8. Applicant's arguments with respect to Claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/J.M.J./**  
**Examiner, Art Unit 2623**

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2623